

Message Text

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PAGE 01 STATE 012937
ORIGIN NEA-10

INFO OCT-01 ISO-00 HA-05 SS-15 SSO-00 SP-02 /033 R

DRAFTED BY NEA/INS:BEPERCIVAL

APPROVED BY NEA/INS:PWLANDE

-----035246 172307Z /70

O 172232Z JAN 78

FM SECSTATE WASHDC

TO AMEMBASSY KATHMANDU IMMEDIATE

C O N F I D E N T I A L STATE 012937

FOR AMBASSADOR

E.O. 11652: N/A

TAGS: SHUM, NP

SUBJECT: NEPAL HUMAN RIGHTS REPORT

1. FORMAT FOR UNCLASSIFIED HUMAN RIGHTS REPORT WAS AGAIN RECENTLY REVISED. AFTER ANOTHER REVIEW, FOLLOWING HUMAN RIGHTS REPORT WAS FORWARDED TO D:

2. BEGIN TEXT. NEPAL IS NOMINALLY A CONSTITUTIONAL MON-ARCHY AND THE CONSTITUTION OF 1961, AS AMENDED, PROVIDES FOR MANY INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND FREE- DOMS. IN PRACTICE THE KING IS THE SOLE SOURCE OF AUTHORITY FOR ALL GOVERNMENTAL INSTITUTIONS IN A HIGHLY TRADITIONAL SOCIETY.

I. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREE- DOM FROM:

A. TORTURE

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TORTURE IS NOT CONDONED BY THE GOVERNMENT NOR APPARENTLY PRACTICED IN NEPAL.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

CAPITAL PUNISHMENT IS SELDOM IMPOSED IN NEPAL. NEPALESE PRISON CONDITIONS REFLECT THE GENERAL STANDARD OF LIVING

IN ONE OF THE WORLD'S POOREST COUNTRIES, BUT POLITICAL PRISONERS HAVE USUALLY RECEIVED BETTER TREATMENT THAN THOSE CONVICTED OF CRIMINAL ACTS, IN TERMS OF VISITORS, READING AND WRITING MATERIALS, AND MEALS FROM HOME.

C. ARBITRARY ARREST OR IMPRISONMENT

THE PUBLIC SECURITY ACT OF 1961 PROVIDES FOR PREVENTIVE DETENTION AND "OTHER MEASURES" AS MAY BE REQUIRED TO "MAINTAIN PEACE AND SECURITY". OPPONENTS OF THE MONARCHY HAVE IN THE PAST BEEN JAILED WITHOUT CHARGES OR LEGAL APPEAL FOR LONG PERIODS OF TIME. OUR INFORMATION IS THAT AS MANY AS 12 PEOPLE CONTINUE TO BE HELD UNDER THE SECURITY ACT, BUT ABOUT 40 DETAINEES HAVE BEEN RELEASED WITHIN THE PAST FEW MONTHS. BETWEEN 100 TO 200 CURRENT PRISONERS HELD UNDER CRIMINAL STATUTES MAY HAVE BEEN ARRESTED FOR POLITICALLY-INSPIRED ACTIONS.

D, DENIAL OF FAIR PUBLIC TRIAL

NEPAL HAS A WELL-ORGANIZED SYSTEM OF COURTS, BUT JUDGES ARE BEHOLDEN TO THE GOVERNMENT AND IT WOULD BE HIGHLY UNLIKELY FOR A JUDGE TO RULE AGAINST THE GOVERNMENT IN A POLITICAL PROSECUTION.

E. INVASION OF THE HOME
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ARBITRARY SEARCH AND SEIZURE HAS NOT BEEN A SIGNIFICANT HUMAN RIGHTS PROBLEM IN NEPAL. EXCEPT WHERE AUTHORIZED BY SPECIFIC LAWS, INCLUDING THE RECENTLY ENACTED NARCOTICS CONTROL LEGISLATION, POLICE ARE REQUIRED TO OBTAIN AN ARREST WARRANT PRIOR TO SEARCH AND SEIZURE.

II. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION.

THE GOVERNMENT OF NEPAL ATTEMPTS TO USE ITS SCARCE RESOURCES TO MEET THE BASIC NEEDS OF ITS PEOPLE WITHIN THE CONTEXT OF INCREASING THE ECONOMIC GROWTH RATE AND BUILDING THE COMMUNICATION AND TRANSPORTATION NETWORKS REQUIRED TO INTEGRATE ISOLATED AREAS OF THE COUNTRY. NEPALESE DECISION MAKERS HAVE CONCENTRATED ON A DEVELOPMENT PROGRAM, AS OPPOSED TO A WELFARE PROGRAM, TO DEAL WITH POVERTY. THE KING HAS ASSUMED THE ROLE OF LEADER OF THE ECONOMIC DEVELOPMENT EFFORT AND HIS INSISTENCE THAT PROGRAMS BE

SPREAD AMONG THE FOUR DEVELOPMENT REGIONS, RATHER THAN

CONCENTRATED IN KATHMANDU AND THE LOW LANDS, TENDS TO BENEFIT THE POORER AREAS OF THE COUNTRY. NEPAL HAS PROBLEMS WITH CORRUPTION, BUT CORRUPTION DOES NOT APPEAR TO BE ON SUCH A SCALE AS TO COMPROMISE THE OVERALL DEVELOPMENT EFFORT OR TO DIVERT SIGNIFICANT RESOURCES AWAY FROM THE POOR.

III. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

LOYALTY TO THE PARTYLESS PANCHAYAT SYSTEM OF INDIRECT ELECTIONS HEADED BY THE KING IS A PREREQUISITE FOR LEGAL CONFIDENTIAL

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POLITICAL ACTIVITY. FREEDOM OF THE PRESS IN NEPAL IS RESTRICTED BY THE PRINCIPLE THAT THE MONARCHY AS AN INSTITUTION AND THE ROYAL FAMILY IN THEIR PERSONS ARE ABOVE CRITICISM. THE GOVERNMENT CONTROLS THE PRINCIPAL ENGLISH AND NEPALI DAILY NEWSPAPERS, BUT NUMEROUS NEWSPAPERS CARRY ON A SOMETIMES SPIRITED CRITIQUE OF GOVERNMENT (AS DISTINGUISHED FROM PALACE) ACTIONS. FOREIGN PUBLICATIONS ARE OCCASIONALLY BANNED IN NEPAL IF THEY CARRY SOMETHING WHICH THE GOVERNMENT REGARDS AS TOO OFFENSIVE. ALL ASSOCIATIONS, INCLUDING THE INEFFECTIVE, GOVERNMENT-SPONSORED LABOR UNION, ARE DIRECTLY INFLUENCED BY THE GOVERNMENT. ALTHOUGH NEPALESE LAW PROHIBITS PROSELYTIZATION, THE NEPALESE ARE PROUD OF THEIR LONG TRADITION OF RELIGIOUS TOLERANCE, EXEMPLIFIED BY HINDUS AND BUDDHISTS WORSHIPPING IN EACH OTHERS' SHRINES.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

THERE ARE NO RESTRICTIONS ON MOVEMENT WITHIN THE COUNTRY OR ABROAD.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

POLITICAL PARTIES WERE BANNED IN 1960 AND REPLACED BY A SYSTEM OF "PANCHAYAT" COUNCILS FROM THE VILLAGE TO THE NATIONAL LEVEL, WHICH INVOLVE THE PEOPLE IN PUBLIC AFFAIRS WHILE PROTECTING THE CROWN'S AUTHORITY. THE OVERT POLITICAL PROCESS IS OPEN ONLY TO THOSE WHO PLEDGE ALLEGIANCE TO THIS PARTYLESS SYSTEM. THE GOVERNMENT ALLOWS SOME PROMINENT OPPOSITION LEADERS TO CRITICIZE THE SYSTEM PRIVATELY. B.P. KOIRALA, NEPAL'S FORMER PRIME MINISTER AND PRIMARY OPPOSITION FIGURE, WAS REARRESTED IN DECEMBER CONFIDENTIAL

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1977. ALTHOUGH HE FACES CRIMINAL CHARGES, HIS PARTISANS MAINTAIN THAT HE WAS DETAINED FOR POLITICAL REASONS.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT OF NEPAL HAS ALLOWED REPRESENTATIVES OF AMNESTY INTERNATIONAL TO VISIT THE COUNTRY TO REPORT ON HUMAN RIGHTS VIOLATIONS. IN THE PAST, AMNESTY INTERNATIONAL HAS EXPRESSED CONCERN ABOUT THE HUMAN RIGHTS SITUATION AND THE ARREST OF SPECIFIC INDIVIDUALS. SEVERAL OF THESE INDIVIDUALS HAVE RECENTLY BEEN RELEASED. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE012937
Document Source: CORE
Document Unique ID: 00
Drafter: BEPERCIVAL
Enclosure: DG ALTERED
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780025-0644
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780153/aaaabswh.tel
Line Count: 189
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d0c2cfe2-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3760223
Secure: OPEN
Status: NATIVE
Subject: NEPAL HUMAN RIGHTS REPORT
TAGS: SHUM, NP
To: KATHMANDU
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/d0c2cfe2-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014